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May 2001 RECEIVED

MAY - 3 2001

VIA HAND DELIVERY

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

EX PARTE

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Ex Parte Communication in ET Docket No. 98-206; RM-9147; RM-9245; Applications of Broadwave USA et al., PDC Broadband Corporation, and Satellite Receivers, Ltd., to provide a fixed service in the 12.2-12.7 GHz Band; Requests of Broadwave USA et al. (DA 99-494), PDC Broadband Corporation (DA 00-1841), and Satellite Receivers, Ltd. (DA 00-2134) for Waiver of Part 101 Rules.

Dear Ms. Salas:

On May 2, 2001, Sophia Collier and Chula Reynolds of Northpoint Technology, Ltd. ("Northpoint") met with Bruce Franca, Thomas Derenge, and Julius Knapp of the Office of Engineering and Technology. The purpose of this meeting was to discuss (1) the various technical issues raised in the in comments and reply comments filed by Northpoint in ET Docket 98-206; (2) the proposed rules to govern spectrum sharing between Direct Broadcast Satellite service ("DBS"), Non-Geostationary Satellite Orbit Fixed Satellite Service ("NGSO FSS"), and terrestrial services in the 12.2-12.7 GHz band; and (3) the report on spectrum sharing recently submitted by the MITRE Corporation. In addition, Northpoint urged the Commission to grant the pending license applications of its Broadwave USA affiliates, in view of the MITRE report's confirmation that Northpoint's technology can operate in the 12.2-12.7 GHz band without causing harmful interference to DBS operations.

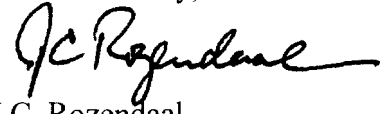
Also on May 2, 2001, Sophia Collier of Northpoint faxed the attached letter and attachment to Donald Abelson of the International Bureau.

Eighteen copies of this letter are enclosed – two for inclusion in each of the above-referenced files. Please contact me if you have any questions.

No. of Copies rec'd 0 + 18
List A B C D E

Ms. Magalie Roman Salas
May 3, 2001
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Yours sincerely,

A handwritten signature in black ink, appearing to read 'J.C. Rozendaal', with a long, sweeping horizontal stroke at the end.

J.C. Rozendaal

cc: Bruce Franca
Thomas Derenge
Julius Knapp
Donald Abelson



Creating Cable Competition with Northpoint Technology

400 North Capitol, Suite 368
Washington, DC 20001
202-737-5711

April 30, 2001

Dear Member of Congress:

As you may recall, last year Congress mandated that the FCC select an independent entity to test the specific technology to be offered by any entity that had filed an application to share the 12-GHz band with the direct broadcast satellite industry. Northpoint was the only company to submit equipment for this congressionally-mandated test.

The FCC contracted MITRE Corp. to perform the test, and the FCC released MITRE's report on April 23, 2001. Since then the DBS industry has severely misrepresented the report's contents and conclusions. The most egregious assertion is that MITRE concluded *Northpoint's* patented system poses a significant threat of interference.

In fact, the MITRE report actually concluded that terrestrial services could share the 12 GHz band with satellites – provided that specialized sharing technology is used. MITRE specifically concluded that the techniques comprising the Northpoint technology were “effective” at mitigating interference. Furthermore, MITRE recommended a “process for licensing” terrestrial services by requiring the use of enabling technologies, which Northpoint has developed.

To comprehensively address the reckless and unfounded allegations of the DBS industry, we have assembled the attached packet for your review. Northpoint has been working for seven years at the FCC to gain the opportunity to offer our service to the public. With the MITRE report it should be clear that Northpoint technology is ready to go.

We also wish to note that the MITRE report provides strong evidence to support a conclusion that an auction is inappropriate for terrestrial use of the 12 GHz band. This view is shared by Northpoint and scores of others who have filed comments at the FCC, including broadcasters and consumer and minority advocacy groups. While Northpoint has demonstrated that its patented technology can share spectrum without causing harmful interference to DBS, no other party has made this showing. MITRE made clear that without specialized sharing technology like Northpoint, harmful interference can result. No amount of auction proceeds should be worth this risk or the delay of needed services to the public.

We realize the attached packet is rather thick but we think it is worth delving into if you have an interest in this topic. As always, we at Northpoint would welcome the opportunity to visit with you in person or by phone to answer any questions you might have.

Thank you for your attention,

Sincerely,

Sophia Collier
President & CEO

George “Chip” Tangen
Vice President, Legislative Affairs

THE BOTTOM LINE

“MITRE believes that with implementation of the licensing process described in Section 6.3 and the other policy recommendations outlined above, spectrum sharing between DBS and MVDDS¹ services in the 12.2–12.7 GHz band is feasible.”

**Conclusion of MITRE Executive Summary
Analysis of Potential MVDDS Interference to DBS in the 12.2–12.7 GHz Band, MITRE Corporation 4/23/01 (page xxi)**

¹ MVDDS is the acronym for Multichannel Video Distribution and Data Service, a new terrestrial service proposed by the FCC in November of 2000. Northpoint Technology was the only company to provide equipment and technology to MITRE for evaluation in order to offer the new service.

CERTIFICATE OF SERVICE

I, Shannon Thrash, hereby certify that on this 3rd day of May, 2001, copies of the foregoing were served by hand delivery and/or first class United States mail, postage prepaid, on the following:

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Shannon Thrash
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